

REMARKS

Claims 33-36, 38-41 and 49 are pending (new claim 49 being added by this amendment).

In the aforesaid Office Action, the Examiner rejected claims 33-36, 38 and 41 under 35 USC 112, first paragraph, stating that the limitation that the plasma-polymerized film is not fused with the material of the first layer is newly added and recites a negative limitation. Applicants have amended claim 33 to remove the limitation.

Applicants have amended claim 33 to require that plasma polymerized film includes fragmented acrylate formed from an acrylic acid plasma. Support for the amendment can be found in paragraphs [0012] and [0022]. The fragmented acrylate (which is specifically a fragmented acrylate that results from plasma polymerization of an acrylic acid) is a structure that imparts a distinctive structural characteristic to the final product resulting from the plasma polymerization. In contrast, compatibilizing agents such as the ethylene acrylic acid/acrylic ester copolymers of Davis-Lemessy et al. would not have such fragmented acrylate present. Specifically, Davis-Lemessy et al. discloses that the compatibilizing agent is applied as an extruded collar, or a solution applied for example by spraying, dipping or painting, or added as an integral co-component of a catheter part, none of which would result in a deposited plasma polymerized film on a surface of the catheter part which includes fragmented acrylate formed from an acrylic acid plasma. Rather, such functionalized ethylene based compounds of Davis-Lemessy et al. bond as adhesives (without the high energy of a plasma polymerization process that produces the covalent bonding between the plasma polymerized film and substrate). The

disclosure in Davis-Lemessy of treating the surface of the substrate to provide improved miscibility with the compatibilizing agent (see col. 3, lines 12-29) would not result in a deposited film of the fragmented form of acrylate called for in the embodiment of Applicant's claim 33. Rather, the Argon plasma stream referred to in Davis-Lemessy (see col. 3, line 19) is by definition 100% Argon and thus not an acrylic acid plasma. Cleaning/treating with a 100% Argon plasma stream does not add a new functionality to the surface of a substrate, and adding new functional groups of a primer such as the LOCTITE primers referred to in Davis-Lemessy would not result in the deposited film of the fragmented form of acrylate called for in the embodiment of Applicant's claim 33.

Additionally, Applicant's claim 36 requires a layer of an adhesive between the plasma polymerized film and the second layer, so that the adhesive bonds the second layer to the plasma polymerized film on the first surface of the first layer. In contrast, the functionalized ethylene based compounds (i.e., the "compatibilizer") of Davis-Lemessy et al. bond as adhesives, such that there is no teaching or suggestion to include an additional layer of another adhesive between the compatibilizer and the second layer.

Support for new claim 49, which sets forth that the plasma polymerized film is an acrylate homopolymer, can be found at paragraphs [0022], [0023], and [0026] disclosing the film prepared by plasma polymerization of acrylic acid (the acrylic acid monomer providing a homopolymer and not a copolymer).

In light of the above amendments and remarks, applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case.

The commissioner is authorized to charge any deficiencies in fees or credit any overpayments to our Deposit Account No. 06-2425.

Respectfully submitted,

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